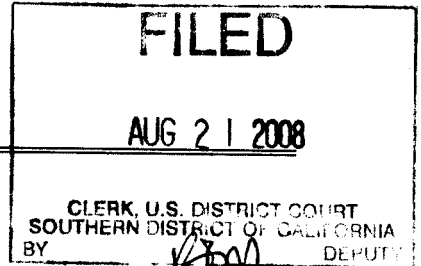


AO 455(Rev. 5/85) Waiver of Indictment

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA



UNITED STATES OF AMERICA

WAIVER OF INDICTMENT

v.

APOLINAR SIXTO-HERNANDEZ

CASE NUMBER: 08cr 2821-DMS

I, APOLINAR SIXTO-HERNANDEZ

, the above named defendant, who is accused of committing the following offense:

Title 8, U.S.C., Sec. 1326(a) and (b)-Deported Alien Found in the United States (Felony),

being advised of the nature of the charge(s), the proposed information, and of my rights, hereby waive in open court on 8/21/08 prosecution by indictment and consent that the proceeding may be by information rather than by indictment.

Apolar Sixto
Defendant

Slade
Counsel for Defendant

Before

[Signature]
Judicial Officer